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Senate Bills 977 and 978 (as introduced 6-18-20)
Sponsor: Senator Kevin Daley
Committee: Elections

Date Completed: 6-23-20

CONTENT

Senate Bill 977 would amend Part 759 (Absent Voters) of the Michigan Election Law to do the following:

- Specify that knowingly making a false statement on an absent voter ballot application would be a misdemeanor.
- Specify that a person who knowingly submitted an absent voter ballot application containing or using another person's name and personal identification information would be guilty of a felony.
- Specify that a person who knowingly submitted an application with the intent to obtain multiple ballots for a person would be guilty of a felony.

Senate Bill 978 would amend the sentencing guidelines in the Code of Criminal Procedure to include the felonies proposed under Senate Bill 977.

Senate Bill 978 is tie-barred to Senate Bill 977.

Senate Bill 977

Part 759 of the Law pertains to absentee voter applications, including procedures and methods for submitting an application. An applicant must sign the application in order for a clerk or assistant clerk to deliver an absent voter ballot to the applicant. A person is prohibited from possessing a signed application that does not belong that individual, unless it belongs to a member of the applicant's immediate family, a person residing in his or her household, a person whose job normally includes the handling of mail, a registered elector requested by the applicant to return the application, or a clerk, assistant of the clerk, or another authorized election official.

The Law specifies methods by which an applicant may return his or her application, including allowing one of his or her immediate family members or a person residing in the applicant's household to mail or deliver an application on behalf of the applicant, or by selecting any registered elector to return the application. An individual returning an application must sign and return a certificate of authorized registered elector returning absent voter ballot application. This certificate requires that the individual returning the application identify his or her address, date of birth, the applicant for whom he or she is delivering the application, and that he or she did not solicit or request to return or alter the application, or influence the applicant.

Under the Law, a person who makes a false statement on an absent voter ballot application is guilty of a misdemeanor. Under the bill, this would apply to a person who *knowingly* made a false statement on an application.

The bill specifies that, except as otherwise expressly authorized by law, a person who knowingly submitted an absent voter ballot application containing or using another person's name and personal identification information would be guilty of a felony. A person who knowingly submitted an absent voter ballot application with the intent to obtain multiple ballots for a person also would be guilty of a felony.

Senate Bill 978

The bill would amend the Code of Criminal Procedure to specify that knowingly submitting an absent voter ballot application containing another person's name and information would be a Class E felony against public trust, with a statutory maximum sentence of five years' imprisonment. Also, knowingly submitting an absent voter ballot application with the intent to obtain multiple absent voter ballots for a person would be a Class E felony against public trust, with a statutory maximum sentence of 5 years' imprisonment.

MCL 168.759 (S.B. 977)
777.11d (S.B. 978)

Legislative Analyst: Dana Adams

FISCAL IMPACT

Senate Bill 977

The bill would have a negative fiscal impact on the State and local government. New felony arrests and convictions under the bill could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. However, it is unknown how many people would be prosecuted under the bill's provisions. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government is approximately \$5,315 per prisoner per year. Any additional revenue from imposed fines would go to local libraries.

Senate Bill 978

The bill would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge*, in which the Court ruled that the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.